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District of Nevada  
Nevada Bar Number 5634  
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*Attorneys for the United States*

UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
MARK STEPHEN BERRY, )  
Defendant. )

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Case No.: 2:23-mj-0255-EJY

## **STIPULATION TO CLOSE CASE**

IT IS STIPULATED AND AGREED, by and between SUE FAHAMI, Acting  
United States Attorney, and Skyler Pearson, Assistant United States Attorney, counsel for the  
United States of America, and Craig Mueller, Esquire, counsel for the defendant Mark  
Stephen Berry, that the above-captioned matter be closed.

This Stipulation is entered into based upon the following:

1. On or about January 31, 2024, defendant entered into a Petty Offense Agreement with the United States in which he agreed to plead guilty to Count One of the Complaint, Operating a Motor Vehicle while Under the Influence of Alcohol, in violation of 36 C.F.R. § 4.23(a)(1). *See* ECF No. 14.

2. The parties agreed to recommend that defendant be sentenced to one year of unsupervised probation with the following special conditions: (i) pay a \$800.00 fine and a

1 mandatory \$10 penalty assessment; (ii) attend and complete the Lower Court Counseling's (1)  
2 DUI course and (2) Victim Impact Panel; (iii) complete a sixteen (16) hour online alcohol  
3 awareness course; (iv) not return to Lake Mead National Recreation Area for a period of six  
4 (6) months; and (v) not violate any local, state, or federal laws for a period of six (6) months.

5 If the defendant successfully completes his obligations within six months of unsupervised  
6 probation, the court will allow the defendant to withdraw his guilty plea to count one and the  
7 government will move to amend count one to reckless driving.  
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9       3.      On January 31, 2024, this Court sentenced defendant pursuant to the parties'  
10 plea agreement. *See* ECF No. 14.

11       4.      Since commencing his term of unsupervised probation, defendant has  
12 successfully completed conditions (i), (ii), (iii), and (iv).

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5. As such, the parties jointly request that the defendant be allowed to withdraw his guilty plea to count one and the government moves to amend count one to reckless driving. The parties also jointly request that the above-captioned matter be closed.

DATED this 3rd day of February, 2025.

Respectfully submitted,

SUE FAHAMI  
Acting United States Attorney

/s/    Craig Mueller  
CRAIG MUELLER, ESQ.  
Attorney for Defendant  
**MARK STEPHEN BERRY**

/s/ Skyler Pearson  
SKYLER PEARSON  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
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## **ORDER TO CLOSE THE CASE**

MARK STEPHEN BERRY,

Defendant.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

Court finds that:

1. Defendant Mark Stephen Barry has successfully completed the conditions of his sentencing.

## ORDER

IT IS HEREBY ORDERED that the defendant is allowed to withdraw his guilty plea to count one and that the count one be amended to reckless driving.

IT IS HEREBY ORDERED that the parties move the Court in the above-captioned matter case be closed, as all requirements have been completed.

DATED this 4th day of February, 2025.

Elayna J. Zouchal  
UNITED STATES MAGISTRATE JUDGE